

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FAIRFIELD-SUISUN UNIFIED SCHOOL
DISTRICT AND SOLANO COUNTY
OFFICE OF EDUCATION.

OAH Case No. 2016050225

ORDER GRANTING FAIRFIELD-
SUISUN UNIFIED SCHOOL
DISTRICT'S MOTION TO DISMISS
AND DENYING ITS NOTICE OF
INSUFFICIENCY AS MOOT

On May 4, 2016, parent on behalf of Student (Student) filed a Due Process Hearing Request¹ (complaint) with the Office of Administrative Hearings naming a party located at 5100 Business Center Drive, Fairfield CA 94534. The complaint fails to include the name of the party.

On May 12, 2016, District filed a Motion to Dismiss and Notice of Insufficiency as to Student's complaint. In its motion to dismiss, District states that it was never served with the complaint and that the complaint does not name it as a respondent. The motion is supported by a sworn declaration of Stacie Moore, Assistant Director of Special Education for the District. OAH has not received a responsive pleading from Student.

In her declaration, Ms. Moore states that she attended the May 4, 2016 Individualized Education Program team meeting for Student. At the close of the meeting, Parent handed a copy of the complaint to Marianne Duncan of Solano County Office of Education. When Ms. Moore attempted to obtain a copy of the complaint, Parent told her that the complaint was not for District, but only for Solano County. Ms. Duncan assisted Parent in filling out a proof of service form.

In examining the complaint, it fails to list the name of the party being named. The complaint does list the address of the party being named which is 5100 Business Center Drive, Fairfield, CA 94534, which is the address for Solano County.²

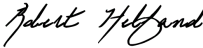
¹ A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under title 20 U.S.C. section 1415(b)(7)(A).

² The ALJ takes official notice that the website of the Solano County Office of Education is the Business Center address. The ALJ also takes official notice that the address for the District is 2490 Hilborn Road, Fairfield CA 94534.

Thus, District has not been named as a party in Student's complaint. Accordingly, District's motion to dismiss is GRANTED. The matter will proceed as to Solano County Office of Education, and OAH will re-serve its Scheduling Order on Solano County Office of Education. District's Notice of Insufficient is denied as moot.

IT IS SO ORDERED.

DATE: May 13, 2016

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ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings